City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2409670

Applicant Name: Kevin Eckert and Andrew Van Leeuwem

Address of Proposal: 5611 University Way NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a four story building containing 2,100 square feet of retail at ground level with 12 apartment units on levels 1-4. Parking for 15 vehicles to be provided on one level below grade. The project includes the future demolition of existing structures.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code (SMC)

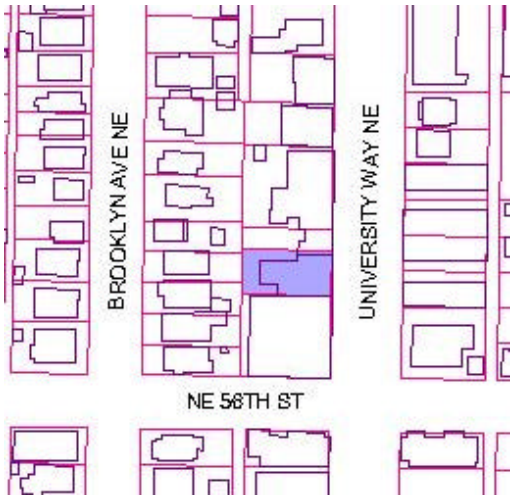
SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS*

[ ] DNS with conditions

[X] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA



Site Description

The site is located in a Neighborhood Commercial 2 zone with a 40 foot height limit and a Pedestrian 2 zone (NC2 40'/P2) at the north end of the University District. The site measures 74 feet in width and 100 feet in depth and slopes down slightly from east to west. The site is developed with two structures proposed for demolition. The site is located on the south half of the block and does not adjoin an alley. However, there is an alley which is platted halfway through the north end of the block which is used by the properties at the north end of the block.

Area Development

Development to the west of the site is composed of single family residences in the Single Family 5000 (SF 5000) zone which adjoins the west property line of the project site. The buildings along University Way NE in this block are generally one to two stories in height and incorporate a wide range of materials including concrete, brick, wood aluminum and glass. The uses in the buildings include small convenience type stores, a yoga studio, an outdoor sales store, a bike shop, a tavern, vacant spaces, and a private school in the adjoining structure to the south. There are two to four story apartment buildings and condominiums in the Lowrise 3 zone to the east. Cowan Park is located to the north and across NE Ravenna Boulevard. There are five landmark structures nearby: 20th Avenue NE Bridge and Cowen Park Bridge, Church of the Blessed Sacrament and Rectory, University Library, and University Heights Elementary School.

Proposal Description

The applicant proposes to demolish two existing structures and construct a four story mixed use structure with 12 residential units on levels 1 through 4 and 3 ground floor commercial spaces atop a below grade garage. The residential spaces will incorporate 2 townhouses, 6 condominiums, and 2 studios. The parking will be accessed via a curb cut on University Way.

Public Comment

No comment letters were received from neighboring residents during the MUP application comment period which ended July 20, 2005. Neighboring property owners, residents, and interested parties submitted a letter with a petition and expressed concerns about: the height, bulk, and scale of the structure, pedestrian safety for the children at the University Co-Operative School at the garage entrance, noise and vibration impacts to the recording studio at 5512 University Way NE during construction, why the alley cannot be dedicated through the south portion of the block, and the need for street trees. There is a large pear tree that should be preserved.

ANALYSIS – DESIGN REVIEW

PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Multifamily and Commercial Buildings"* of highest priority to this project:

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board said the building should be well designed, sensitive to the street, and consider the relationship of the commercial spaces to the street. The Board asked what is the concept for the proposed recessed plaza areas within the arcades in front of the commercial spaces. Does this concept come into dialog with the design of the existing school street frontage to the south, provide weather protection, or seating or gathering areas? The memory of the existing buildings could be evoked through the framing and color of the new structure.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

One Board member said to show something similar to a courtyard for the above grade open space. The Board would like to see more detail regarding proposed penetrations into the facades. The NC2 40'/P2 zoning would allow for an increase in the scale and intensity of mixed use development along the northern end of University Way NE. However, there is no specific architectural design character set in this portion of the Neighborhood Commercial area except for the eclectic nature of the existing older structures. Therefore, the Board indicated that the proposed mixed use structure should set a high architectural design tone for future mixed use development along the commercial strip.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-9 Location of Parking on Commercial Street Fronts

Parking on a commercial street front should be minimized and where possible should be located behind a building.

The entrance to the parking garage would be from the street because the alley is only platted through the north portion of the block. Extending the alley through dedication has been explored and is not an option at this time. The Board noticed that the garage was shown with a small low key entrance and they supported that to minimize the impact on the pedestrian environment along University Way NE. However, the University Co-Operative School for grades K-5 is located on the adjacent site to the south. The school is located in a former automobile maintenance building and has an automobile ramp off of NE 56th Street which could be used for vehicle access to the building. Creating an easement to use the ramp to provide vehicle access would address two design issues and should be seriously pursued by the applicant as the favored alternative. It would allow for continuous retail street frontage along University Way NE by eliminating the gap of the garage entrance. It would also enhance pedestrian safety for the children attending the adjoining University Co-Operative School because the families use University Way NE to drop off and pick up their children. NE 56th Street is not used much by the schoolchildren, so providing a garage entrance on that street would be one solution.

B-1 Height, Bulk, and Scale Compatibility

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The vertical element of the staircase and the height of the building on the west side should step back along the rear façade in deference to the residences in the adjoining Single Family 5000 zone. The Board asked if a blank wall lot line condition is being proposed on the side of the building or are the massing studies crude representations which will be elaborated on further in future elevations. There appears to be an emphasis on holding the corners from the alternative massing studies presented and that terracing will occur on the west elevation. If the architects are considering pulling away from the west side, what will the terraces look like? Is what is represented for the front of the building in the massing alternatives an abbreviated version of the final proposed design?

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board said that the architects are introducing a new four story building into the neighborhood and it will be the "biggest guy out there". The Board is interested in seeing the scale reduced through the architecture of the façade.

DEVELOPMENT STANDARD DEPARTURES

The applicants proposed the following development standard departures:

NORMAL	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
23.47.008D	Above 13 feet from finished grade, the residential portion of a mixed use structure is limited to 64% lot coverage.	To provide 73% lot coverage above 13 feet from finished grade.	The grade drops off where the building steps down at the rear of the building for the residential portion of the ground floor above 13 feet from finished grade.	Approve
23.54.030G	Provide site triangles on both sides of the driveway	Provide mirrors and blinking lights triggered by sensors	Site triangles would reduce the required ground floor commercial space and interrupt a continuous commercial street frontage on University Way NE alternative safety features proposed.	Approve

The Board indicated that the departure request seems reasonable and provided the architects with considerable freedom to design a creative project that would meet both the owner's program and the design guidelines above. However, the Board's recommendations on the requested departures will be reserved until the final Board meeting and will be based upon the departure's potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departure.

Staff Comments

The plans should show the garage entrance facing University Way NE. The garage entrance should be moved to the north edge of the façade to minimize the pedestrian/vehicle conflict for the school children.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit on April 4, 2005.

Response to Priorities

A-2 Streetscape Compatibility

The building is designed with a visually clean façade to promote social activity on the street with transparency for "eyes on the street". The ground floor shops and market spaces provide services which attract activity to the street and increase safety through informal surveillance. The scale and pattern of the transoms evokes the memory of existing street level commercial uses and provides continuity with existing development. The 26 by 3.5 foot metal canopy that conforms to the dimensions

of the "vertical greenbelt" creates a strong horizontal projection and maintains the straightforward design of the modern building. The combination of the thicker band of metal that separates the commercial and residential along with the band of transom windows gives further grounding, weight, and human scale to the pedestrian experience at the sidewalk level. The street trees provide a third level of differentiation, primarily from the experience of being under the canopies. The indentation of the façade for the private residences and private mercantile spaces separate these more intimate uses from the more active and pedestrian-oriented retail spaces to the north and south. The signage announcing the mercantile spaces and the entry to the residential lobby further provide orientation and separation. Adding any decoration along the remaining façade would detract from the architecture and block "eyes on the street" from the residential units above. A 3.5 foot deep glass canopy which extends over the door of the northernmost retail space and changing the signage to read east-west and project from the building face would be more pedestrian friendly and complement the vertical greenbelt and street tree canopy. It would also provide another measure to differentiate the residential from the commercial uses.

A-5 Respect for Adjacent Sites
B-1 Height, Bulk, and Scale Compatibility

The building is setback ten feet from the rear property line. The west façade of each story steps back to minimize the height, bulk and scale of the structure to the residences in the SF 5000 zone to the west. A perforated metal material will be attached to the west side of the open staircase at the rear of the building to shield light and glare from the neighboring residential properties but to allow some illumination from the open staircase for exiting from the building. The dark bronze siding color chosen for the south and north facades will serve as a backdrop (and not a feature) as a non-reflective surface to the rest of the building. This color further emphasizes and contrasts with the transparency fo the ease and west facades and the warm cedar tones being used wherever this material is punctured. This includes the relief provided to the building at the window bay (near the middle of the north and south facades) soffits, deck areas, and the extent of the west façade. This dark bronze color provides a handsome contrast to the wood tone. A lighter color would muddle the clarity of the two tones.

A-8 Parking and Vehicle Access
A-9 Location of Parking on Commercial Street Fronts

The curb cut to the garage entrance is limited to ten feet in width and is located on the north side of the façade to minimize pedestrian/auto conflicts on the sidewalk. This is especially important for the children being dropped off and picked up at the school on the adjoining property to the south. One onstreet parking space will be removed and replaced with 16 parking spaces in the underground parking garage.

C-1 Architectural Context

The design of this modern style building sets the tone for future development in the NC 2 40'/P2 zone in terms of quality of design, attention to detail, stepping back from the SF 5000 zone to the west, massing, and enhancing the street level environment. Existing development on this block is an eclectic

mix of older, smaller scale commercial buildings in disrepair. Each plane of the building provides different finish materials. The structural and glazing grids break the building up into smaller modules that relate with the scale of the adjacent conditions and will inform the design of future development on the block. The wood tones in the trim bring warmth to the composition and balance out the metal siding, the mesh on the back guardrails, the perforated metal on the back of the staircase, and the warm color in the concrete.

With respect to the design of the project, the Director concludes that the design has successfully responded to the Design Review Board's guidance. For this reason, the Director concurs with the Design Review Board's recommendations and **approves** the subject design as presented in the official plan sets on file with DPD.

Design Review Board Recommendation

The Design Review Board met on June 6, 2005, to review the applicant's formal project proposal, developed in response to their identified priorities. At this public meeting site plans, elevations, floor plans, and landscaping plans as well as elevation sketches and renderings were presented for the members' consideration. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **unanimous approval** of the subject design with **two recommended conditions.** The Board recommended that trees be extended along the entire rear wall to screen and soften the appearance of the wall, and to provide planter boxes of a consistent size on each balcony.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED.**

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 28, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient

mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is high and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Because the scale of the project is of a significant size, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The adjoining school to the south has requested that the applicants coordinate the construction schedule with the school schedule to minimize pedestrian and automobile conflicts with the schoolchildren. The authority to impost this condition is found in Section 25.05.675B of the Seattle SEPA Ordinance.

The proposal site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in thea area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit demolition and construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. and Saturdays from 9:00 a.m. to 6:00 p.m. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner. The owners of a recording studio at 5512 University Way NE requested that the applicants coordinate with them regarding the construction schedule. The authority to impose these conditions is found in Section 25.05.675B of the Seattle SEPA Ordinance.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage

Rain water on roofs and on the driveways are the major sources of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. Oil/water separators will be installed at the parking garage and bank surface parking area. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA

Height, Bulk, and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this project as determined by the Design Review Board's review and unanimous approval without conditions. The subsequent determination by DPD that the approved design exceeded the zoning height restriction resulted in redesign of the building to eliminate the sixth floor, further reducing the height and bulk of the building, but maintaining all other approved components of the design. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that apartment units generate 6.1 vehicle trips per day. Based on the estimates in the Trip Generation Manual the 12 units would generate approximately 73.2 trips per day. The availability and proximity of transit to the University of Washington and downtown along University Way NE, Interstate 5, and Eastlake Avenue East will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready vehicle access to an arterial, (University Way NE) and a freeway (Interstate 5). The volume of traffic along University Way NE is moderate and nearby intersections operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. To minimize pedestrian and automobile conflicts at the garage entrance, a blinking strobe light will be required at the entrance to the garage. The authority to impose this condition is found in Section 25.05.675 R of the Seattle SEPA Ordinance.

Parking

One onstreet parking space will be removed to create a curb cut for the garage which will provide 16 new parking spaces for the project. The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The 15 parking spaces provided on-site in the parking garage would meet the code requirement and are expected to accommodate the parking demand generated by the project. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal which are nonsignificant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

DESIGN REVIEW CONDITIONS

Prior to Certificate of Occupancy

1. Extend the planting of trees along the entire rear of the structure rather than just clustering the trees.
2. Provide multiple planter boxes on the balconies for the residents to ensure consistent and balanced plantings rather than random plantings in varying sized planters.

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays from 9:00 a.m. to 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low

noise exterior work after approval from the Land Use Planner. Interior work may proceed at any time in compliance with the Noise Ordinance.

4. Provide a blinking strobe light triggered by a sensor at the entrance to the garage as a caution for pedestrians and automobiles.
5. Coordinate with the adjoining school to the south regarding the demolition and construction schedule, the drop off and pick up times for schoolchildren, and the schedules for walking to Cowan Park to minimize noise and pedestrian conflicts.
6. Consult with the operators of the recording studio at 5512 University Way NE regarding the construction schedule to minimize noise impacts on their recording business.

Compliance with conditions numbered 1 and 2 must be verified and approved by the Land Use Planner assigned to this project (Malli Anderson, tel. 233-3823) or by the Supervising Senior Land Use Planner for the area where the project is located (Vince Lyons, tel. 233-3861), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of any final inspection if required. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: November 3, 2005
Malli Anderson
Land Use Planner
Land Use Services

MJA:rgc
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